

FILED BY *[Signature]* D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 DEC -5 AM 7:14

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

TIFFANY HEATHER MOSS,
Individually and as Next of Friend
of CLINTON MOSS,

Plaintiff,

Case No.: 04-2741 D V

v.

SHELBY COUNTY; SHELBY COUNTY
SCHOOL BOARD; BOBBY G. WEBB, in
his official capacity as Superintendent of
Shelby County Schools; PATRICIA L. PRESCOTT,
in her official capacity as Principal of Arlington
Middle School; LAURA NICASTRO, in her
personal and official capacity as a teacher at
Arlington Middle School

Defendants.

ORDER DENYING AS MOOT DEFENDANTS' MOTION TO DISMISS

Before the court is Defendants' motion to dismiss Plaintiff's complaint for failure to state a claim upon which relief may be granted, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The issues raised in the motion now before the Court were made moot by this Court's November 28 Order granting in part and denying in part Defendants' motion to dismiss.

Accordingly, Defendants' motion is DENIED as moot.

IT IS SO ORDERED this 2nd day of December, 2005.

Bernice Bouie Donald
BERNICE BOUIE DONALD
UNITED STATES DISTRICT JUDGE

This document entered on the docket sheet in compliance
to 58 and/or 79(a) FRCP on 12/5/05

(29)



Notice of Distribution

This notice confirms a copy of the document docketed as number 29 in case 2:04-CV-02741 was distributed by fax, mail, or direct printing on December 5, 2005 to the parties listed.

Marcy Ingram
SHELBY COUNTY ATTORNEY'S OFFICE
160 N. Main Street
Ste. 660
Memphis, TN 38103

Bruce M. Smith
APPERSON CRUMP & MAXWELL, PLC
6000 Poplar Ave.
Ste. 400
Memphis, TN 38119--397

R. Linley Richter
LAW OFFICE OF R. LINLEY RICHTER, JR.
100 N. Main St.
Ste. 2909
Memphis, TN 38103

Dee Shawn Peoples
LAW OFFICE OF R. LINLEY RICHTER, JR.
100 N. Main St.
Ste. 2909
Memphis, TN 38103

Henry L. Klein
APPERSON CRUMP & MAXWELL, PLC
6000 Poplar Ave.
Ste. 400
Memphis, TN 38119--397

Honorable Bernice Donald
US DISTRICT COURT